

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 15,049

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Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her Food Stamps. The issue is whether the Department properly attributed earnings from the petitioner's employment to the month in which she received them rather than to the month in which they were earned.

FINDINGS OF FACT

The facts are not in dispute. The petitioner began working in a restaurant in late February, 1997. She reported her earnings to the Department in April, which was apparently timely enough under the regulations. The Department then notified the petitioner that beginning June 1, 1997, her Food Stamps would be reduced from \$111 to \$16 a month.

The petitioner filed an appeal of this decision because she thought that the reduction in her Food Stamps effective June 1 was based on the fact that the Department counted for June earnings from a pay period the petitioner had worked in May. At the hearing, held on July 2, 1997, the Department explained to the petitioner that the reduction for June was the result of counting her earnings beginning only that month--despite the fact that the petitioner had actually been working for several months previously. The petitioner had thought that the Department had previously considered her earnings in determining the amount of Food Stamps she had received in April and May.

The Department further explained that under the regulations income is counted toward the month it is actually received, but that this, in and of itself, was not the reason for the reduction in her Food Stamps for June. The petitioner does not dispute that the Department correctly determined the amount of her income and when it was paid, and that it properly calculated the resulting amount of her Food Stamps.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual § 273.10(c) provides that income shall be counted only in the month it is received.

Inasmuch as the Department's decision in this matter was in accord with the regulations the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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